

**IN THE IOWA DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT**

**IN THE MATTER OF DEFAULT  
JUDGMENTS IN THE THIRD JUDICIAL  
DISTRICT**

**ADMINISTRATIVE ORDER #2009-11**

**FILED**

The offices of the County Clerk of Court in the Third Judicial District have not been uniformly performing the entry of default judgments in civil law and small claims cases. It is determined a uniform and consistent methodology in the Third Judicial District would promote efficiency, uniformity of methods and is in the best interest of judicial economy:

**NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**


1. In small claims actions for money judgment, the County Clerk of Court shall enter judgments by default without order of the court when authorized by Iowa Code Section 631.5(6) if a defendant fails to appear after proper notice and the relief is readily ascertainable. Relief is readily ascertainable when the Clerk determines the claim is for a sum certain or a sum that by computation can be made certain. The Clerk shall make this determination by review of the filing by the plaintiff with the small claims original notice of a verified account or an instrument in writing for the payment of money with an affidavit that the same is genuine. Relief is not readily ascertainable if the amount requested merely represents the opinion of the plaintiff as to the amount, or the amount is unclear or unliquidated. If the relief is not readily ascertainable, the Clerk shall assign the claim to a judicial officer for determination. The judicial officer may require such additional verifications of account or sworn affidavits as necessary to determine the amount. The judicial officer may set the matter for hearing if necessary. Upon determination of the amount due, the judicial officer shall enter judgment. Small claims not determined within ninety days following the expiration of any period of continuance or following the last entry placed on the record for that action shall be dismissed by the Clerk without prejudice in accordance with Iowa Code Section 631.8(1).

2. In civil actions, the County Clerk of Court shall enter judgments by default without order of the court when authorized by Iowa Rule of Civil Procedure 1.973(1)

where, upon affidavit that the amount is due, the claim is for a sum certain or a sum that by computation can be made certain. Otherwise, the Clerk shall refer the application for default judgment to the assigned general trial judge for further action in accordance with Iowa Rule of Court Procedure 1.973(2). The Clerk shall perform such other ministerial functions as required by Division IX(C)-DEFAULTS AND JUDGMENTS THEREON (Rules 1.971 to 1.977) of the Iowa Rules of Civil Procedure.

3. This Administrative Order shall be effective on the 1<sup>st</sup> day of May, 2009. Court Administration shall immediately post this order on the Iowa Judicial Branch website-Third Judicial District link and disseminate it electronically to attorneys signed up for electronic notice in the Third Judicial District to inform the bar and the public of this procedure for the entry of Default judgments in the Third Judicial District.

So ordered this 23<sup>rd</sup> day of April, 2009.



DUANE E. HOFFMEYER, Chief Judge  
Third Judicial District of Iowa

COPIES TO:  
District Court/District Associate Court Judges – 3rd District  
Senior Judges/Magistrates – 3rd District  
Clerks of Court/County Attorneys – 3rd District  
Court Reporters/Judicial Assistants/Court Attendants – 3rd District  
State Court Administrator – David Boyd  
District/Assistance District Court Administrators

Scanned & emailed to Judges, Clerks, Ct Reporters, Magistrates  
David Boyd / Cassa me Neil / Pam Calhoun  
By: Pam Calhoun 4/23/09